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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,762	03/21/2006	Peter Asplund	GTE-07-1052US	3340

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IP GROUP OF DLA PIPER LLP (US)
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EXAMINER

CHAUDHRY, SAEED T

ART UNIT	PAPER NUMBER
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1792

NOTIFICATION DATE	DELIVERY MODE
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07/06/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto.phil@dlapiper.com

Office Action Summary	Application No. 10/572,762	Applicant(s) ASPLUND ET AL.	
	Examiner Saeed T. Chaudhry	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 8-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Applicant's amendments and remarks filed April 27, 2009 have been acknowledged by the examiner and entered. Claims 1-20 are pending in this application pending. Of the above claims 8-14 has been withdrawn from consideration.

Claim Rejections - 35 USC § 112

Claims rejected under 35 U.S.C. § 112, second paragraph, has been withdrawn in view of amendments.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

Claims 1-7 and 15-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jones.

Jones (2,235,258) discloses a nozzle having an intake end (5) and an outlet end (E) for wash liquid, a number of orifices (7) connected to outlet with respective orifice opening; wherein respective orifices are directed at an angle towards a center axis (C) at a junction point at a distance and wherein the orifice opening sized so that liquid from the respective orifice openings at a spray angle that is within an angle range of 0-80 degrees.

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It would have been obvious at the time applicant invented the claimed nozzle to arrange the orifices to intersect the streams within a range of 5-30 cm with routine experimentation for the purpose of impinging the surface at specific distance. The nozzle disclosed by Jones is capable of passing wash liquid, use with the pressure and liquid velocity as claimed herein. The stream emanating from the orifice has zero degree angle, which read on the claimed limitation.

It should be noted that no patentable weight has been given to the preamble/intended use in that the body of the claim fails to recite any limitations that give life and meaning to the preamble/intended use. See MPEP 2111.02.

Claims 1-7 and 15-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lauderback et al.

Lauderback et al. (2,928,611) discloses a nozzle having an intake end (8) and an outlet end (E) for wash liquid, a number of orifices (25) connected to outlet with respective orifice opening; wherein respective orifices are directed at an angle towards a center axis at a junction point at a distance and wherein the orifice opening sized so that liquid from the respective orifice openings at a spray angle that is within an angle range of 0-80 degrees.

It would have been obvious at the time applicant invented the claimed nozzle to arrange the orifices to intersect the streams within a range of 5-30 cm with routine experimentation for the purpose of impinging the surface at specific distance. The nozzle disclosed by Lauderback et al. is capable of passing wash liquid, use with the pressure and liquid velocity as claimed herein. The stream emanating from the orifice has zero degree angle, which read on the claimed limitation.

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It should be noted that no patentable weight has been given to the preamble/intended use in that the body of the claim fails to recite any limitations that give life and meaning to the preamble/intended use. See MPEP 2111.02.

Response to Applicant's Arguments

Applicant argued that Kukesh fails to disclose multiple orifices, each for dispensing wash liquid, and each angled towards a central axis. Instead Kukesh discloses a single nozzle for dispensing liquid (i.e., central liquid nozzle (330) dispensing resin) surrounded by plurality of air nozzles.

This argument is not persuasive because Jones and Lauderback et al. disclose nozzle having multiple orifices in the outlet of the nozzle and every orifice is angled toward the central axis of the nozzle (see fig. 3 and 2 respectively).

Applicant argued that Kukesh requires that its central liquid nozzle be located "... at the longitudinal central line of nozzle assembly 340." Kukesh also requires that compressed air be impinged onto the fan-like film that emanates from the central liquid nozzle (330) in order to control the expansion of the resin film, and to prevent resin particles from accumulating on the central nozzle (330). Claim 1, to the contrary, controls spray by controlling the spray angles of the spray streams created by the orifice openings.

This argument is not persuasive because Jones and Lauderback et al. do not require compressed air and spray is controlled by controlling the spray angles of the spray streams created by the orifice openings.

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Applicant argued that Hughes fails to disclose multiple orifices, each for dispensing wash liquid, and each angled toward a central axis. Instead, Hughes discloses a single opening through which air or other fluids may pass. The single hole in Hughes is surrounded by a plurality of wave generating cells, each for dispensing shock waves. Hughes also requires mixing sonic waves with air or fluid emanating through the hole in order to energize the air or fluid flow.

This argument is not persuasive because Jones and Lauderback et al. disclose nozzle having multiple orifices (7 and 25 respectively), which converge to the central axis of the nozzle. Both the references do not require to mix air with the liquid.

Applicant's arguments with respect to claims 1-7 and 15-20 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed T. Chaudhry whose telephone number is (571) 272-1298. The examiner can normally be reached on Monday-Friday from 9:30 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Barr, can be reached on (571)-272-1414. The fax phone number for non-final is (703)-872-9306.

When filing a FAX in Gp 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are for entry into the file of the application. This will expedite processing of your papers.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1700.

Saeed T. Chaudhry
Patent Examiner

/Michael Barr/
Supervisory Patent Examiner, Art Unit 1792